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In re PATENT APPLICATION of

**BROUN et al.**

Appn. No. 09/117,921

Group Art Unit: 1638

Filed: March 4, 1999

Examiner: E. McElwain

GOR: PRODUCTION OF HYDROXYLATED FATTY ACIDS IN  
GENETICALLY MODIFIED PLANTS

\* \* \* \* \*

April 9, 2001

**SUBMISSION UNDER 37 CFR §§ 1.821 ET SEQ.**

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

In response to the Communication dated January 10, 2001, please enter the attached substitute Sequence Listing in lieu of the Sequence Listing submitted on October 4, 2000. A copy of the Notice to Comply is enclosed.

The paper form of the Sequence Listing does not include new matter. A computer readable form of the Sequence Listing is also submitted herewith in accordance with 37 CFR § 1.821(e), and includes no new matter.

Furthermore, in accordance with 37 CFR § 1.821(f), it is submitted that the contents of the paper and computer readable forms of the Sequence Listing are the same.

In view of the above, it is respectfully submitted that the above-identified application complies with the Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures pursuant to 37 CFR §§ 1.821 et seq.

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Early examination on the merits is earnestly solicited. If any further information is needed, the Examiner is invited to contact the undersigned.

Respectfully Submitted,

PILLSBURY WINTHROP, LLP

By: Isaac T. Tanguay 43180  
for Paul N. Kokulis  
Reg. No. 16,773  
Tel. No.: (202) 861-3503  
Fax No.: (202) 822-0944

1100 New York Avenue, N.W.  
Ninth Floor – East Tower  
Washington, D.C. 20005-3918  
Tel. No.: (202) 861-3000

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: \_\_\_\_\_

**Applicant Must Provide:**

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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